

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OXFORD HEALTH INSURANCE, INC., OXFORD
HEALTH PLANS (NY), INC., UNITED
HEALTHCARE INSURANCE COMPANY OF NEW
YORK, INC. and UNITED HEALTHCARE SERVICES,
INC.,

Plaintiffs,

-against-

DANIEL HAMNER, M.D., DANIEL HAMNER
PHYSICIAN, P.C., DANIEL HAMNER, M.D., P.C.,
ALLAN CHRISTOPHER AS EXECUTOR FOR THE
ESTATE OF ANNE M. CHRISTOPHER, RICHARD
HAMNER, ERIKA MACBRIDE, RAINA HAMNER and
RAE BAYMILLER,

Defendants.

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Civ. Act. No.:
13-CIV-375 (AKH)(KNF)

**DECLARATION OF
MICHAEL H. BERNSTEIN**

**DOCUMENT
ELECTRONICALLY FILED**

Michael H. Bernstein, pursuant to 28 U.S.C. § 1746(2), declares under penalty of perjury the following:

1. I am a member of the firm Sedgwick LLP, attorneys for Plaintiffs in the above action. As such, I am fully familiar with the facts and circumstances of this matter.

2. This Declaration is respectfully submitted in support of Plaintiffs' Opposition to Allan Christopher as Executor for the Estate of Anne M. Christopher's Motion to Dismiss Plaintiffs' Amended Complaint.

3. Annexed hereto as Exhibit "1" is a true and correct copy of an email dated March 5, 2013, from Allan Christopher to John Seybert, with copies to Michael Bernstein, David Christopher and Thelma Christopher, regarding "Re: Request that You Please Call Me Immediately Regarding Summons & Complaint for Estate of Anne M. Christopher."

4. Annexed hereto as Exhibit “2” is a true and correct copy of an email dated March 16, 2013, from Allan Christopher to John Seybert, with copy to Michael Bernstein, regarding “Status of 45 Day Extension.”

5. Annexed hereto as Exhibit “3” is a true and correct copy of an email dated March 17, 2013, from Allan Christopher to John Seybert, with copies to Thelma Christopher and David Christopher, regarding “Re: Status of 45 Day Extension.”

6. Annexed hereto as Exhibit “4” is a true and correct copy of a letter dated August 9, 2013 from John T. Seybert to Richard Pu.

7. Annexed hereto as Exhibit “5” is a true and correct copy of an email dated August 16, 2013 from Richard Pu to John Seybert and Jonathan B. Bruno, with copies to Michael Bernstein and Julie Kim, regarding “RE: Oxford v. Hamner,” including the pdf document attached to the email entitled “2013.0816PuMarkup.pdf.”

8. Annexed hereto as Exhibit “6” is a true and correct copy of an email dated August 21, 2013, from Richard Pu to John Seybert and Jonathan B. Bruno, with copies to Michael Bernstein and Julie Kim, regarding “RE: Oxford v. Hamner,” including the pdf document attached to the email entitled “Hamner_ Draft Protective Order.pdf.”

9. Annexed hereto as Exhibit “7” is a true and correct copy of an email dated August 22, 2013 from Richard Pu to John Seybert and Jonathan B. Bruno, with copies to Alex Niederman, Michael Bernstein and Julie Kim, regarding “RE: Oxford v. Hamner – Revised Proposed Case Management Plan,” including the pdf document attached to the email entitled “2013.0822Draft.pdf.”

10. Annexed hereto as Exhibit “8” is a true and correct copy of an email dated August 23, 2013, from Richard Pu to John Seybert, regarding “RE: Christopher Counterclaim,” including the two pdf documents attached to the email entitled “Pro2p1.pdf” and Pro1n10.pdf.”

11. Annexed hereto as Exhibit "9" is a true and correct copy of an Affidavit of Service dated September 17, 2013, in which Eric Rubin states that a Summons and Amended Complaint in this action was served on Allan Christopher as Executor for the Estate of Anne M. Christopher at the Westport Probate District (50), Town Hall, 110 Myrtle Avenue, Room 100, Westport Connecticut, on September 16, 2013.

Dated: New York, New York
September 23, 2013

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael H. Bernstein
MICHAEL H. BERNSTEIN

CERTIFICATE OF SERVICE

I, Julie Kim, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF MICHAEL H. BERNSTEIN (with Exhibits 1-9)** was served via ECF on September 23, 2013, upon the parties listed on the Notice of Electronic filing::

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/s/Julie Kim

JULIE KIM (JK 5700)

Dated: New York, New York
September 23, 2013